

## 2004 Report of The Indiana Supreme Court Division of State Court Administration

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### Lilia G. Judson, Executive Director

The Indiana Supreme Court Division of State Court Administration (the "Division") is an administrative office of the Chief Justice of Indiana. The Division assists the Chief Justice and the Indiana Supreme Court in the administration and management of Indiana's judicial system and its officers (Indiana Code 33-24-6-3). State statutes, Supreme Court rules and Supreme Court policies define the duties and authorities of the Division and its Executive Director.

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#### 1) Judicial Workload, Receipt and Expenditure of Funds

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One core responsibility of the Division is the collection of statistical information concerning the operation of Indiana's courts and their offices. Pursuant to Indiana Code 33-24-6-3 and Indiana Supreme Court Administrative Rules 1 and 2, the Division collects and publishes information on the caseload and fiscal activities of all courts and probation offices throughout the state. This data is published annually in *The Indiana Judicial Service Report* and *The Indiana Probation Report*. This data provides the empirical basis for policy decisions by both the Indiana Supreme Court and the Indiana General Assembly, and also

provides important management information for individual courts.

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#### 2) Weighted Caseload Measures and Caseload Redistribution Plans

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In 1994, the Judicial Administration Committee of the Indiana Judicial Conference, the Division, and an independent consultant began a two-year study to design a system for measuring trial court caseloads. The study resulted in a weighted caseload measuring system based upon relative times for various case types. This Weighted Caseload Measures System examines only new cases filed in trial courts. The measurements provide a projection of the average judicial time available in the state, any given district, county, or court, to handle the cases being filed during a given period of time. The weighted statistics provide the Indiana Supreme Court and the Indiana General Assembly with information necessary for allocation of judicial resources.

Trial courts also use these statistical measures to develop district and county caseload plans which seek to reduce disparity in caseloads and judicial resources so that all courts in a county fall within a

set variance range of the average county caseload.

In 2002, the Division worked with the Judicial Administration Committee of the Indiana Judicial Conference to conduct an update and validation of the Weighted Caseload Measures System. Since the study was first conducted, the addition of new case type designations and procedural and substantive changes necessitated an update of the original study. The results of the update to the Weighted Caseload Measures were completed in the fall of 2002 and were approved by the Indiana Supreme Court.

Weighted Caseload measures are reported in this volume and are available at [www.in.gov/judiciary/admin/courtmgmt/](http://www.in.gov/judiciary/admin/courtmgmt/).

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### **3) Judicial Technology and Automation**

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During 2004, the Indiana Supreme Court Judicial Technology and Automation Committee (JTAC), staffed by the Division, continued to work toward a 21<sup>st</sup> century case management system (CMS) for Indiana. The system will connect trial courts with each other and with other users of judicial information such as the Indiana State Police, Department of Revenue, Department of Corrections, and others. The Committee, chaired by Justice Frank Sullivan, Jr., was created by Supreme Court administrative rule to conduct a continuous study of information technology applications for Indiana's judicial system and to

develop a long-range strategy for technology and automation in Indiana's judicial system.

Since 2002, JTAC has worked closely with our vendor and hundreds of judges, clerks, prosecutors and court and clerk staff on this project of unprecedented complexity and breadth. Late last year, there was an interruption in work on the project late while JTAC assessed previously unrecognized difficulties. Many of the issues related to automating the clerks' financial processes. JTAC is committed to providing a system that is cost-effective, easy-to-use, saves court personnel time, provides accurate information, and provides connectivity and standardization for all Indiana courts. We will not offer this case management system to Indiana's courts and clerks unless and until we meet those high standards.

Work on the CMS has resumed in earnest and project activity includes:

The Division engaged Crowe Chizek, an Indiana-based consulting firm, to provide additional technical expertise on the project.

A review is being conducted of information previously gathered from the more than 300 court representatives from around the state who attended design and listening sessions to ensure that new work meets the needs of all end users.

Changes to the CMS include the ability to simply download it to a PC instead of having a technician go onsite to install it on each individual

computer.

A new Governing Board structure includes more clerks and judges, with representation from different areas of the state.

Previous functions planned for inclusion in the system will be reconfirmed in light of business needs or recent technology changes.

The highest ranking officers of Computer Associates, the project's principal vendor, have come to Indiana and officials are working with JTAC to provide a high quality product that meets our specific needs.

While the CMS project is JTAC's highest priority, other technology initiatives are helping judges and clerks do their jobs more effectively. Many counties have already taken advantage of JTAC's assistance to establish basic e-mail service and Internet access; LexisNexis legal research capability is provided free of charge to judicial officers and clerks; JTAC staff continues to provide computer-training during conferences for clerks and judges; we pay for and coordinate training through Ivy Tech State College for judges, clerks and their staffs; an arrangement with Dell Computers allows court and clerks employees to buy Dell computers for their internal business operations at a reduced cost; and we continue to provide "gently used, " refurbished computers to clerk and court offices that need them.

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#### 4) Legal Responsibilities

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The Supreme Court and the Chief Justice assign the majority of

the legal responsibilities of the Division. The Division legal staff serves as counsel to the Supreme Court in matters involving attorney discipline and requests for the appointment of special judges, special masters, and senior judges. In 2004, the Division legal staff assisted the Supreme Court in disposing of 101 disciplinary matters. As part of this disciplinary function, the Division staff conducts preliminary investigations of disciplinary grievances filed against members and staff of the Indiana Supreme Court Disciplinary Commission and attorneys who are serving as hearing officers in disciplinary cases.

Supreme Court rules governing the method of special judge selection call for the establishment of local rules for such selection and certification to the Supreme Court in certain circumstances. The Division monitors local rules establishing plans for special judge selection and processes requests for the appointment of special judges by the Supreme Court. In 2004, the Division received 107 new requests for special judge appointments.

Various federal and state laws, rules and regulations, as well as U.S. Supreme Court decisions affect the administrative responsibilities of trial judges. Since 1996, a Division attorney provides advice and assistance to trial judges on employment law issues. This function also includes training for judges and their staff on a wide variety of issues such as sexual harassment awareness, the

Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, effectively disciplining and terminating problem employees, effective use of policies, drug testing, and appropriate business conduct for court employees.

Since 2000, a Division legal staff member has also served as staff counsel to the Board of Law Examiners and represent the board in appeal hearings brought by bar applicants who have been denied admission to practice law.

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#### **5) Rule Amendments and the Supreme Court Committee on Rules of Practice and Procedure**

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The Executive Director of the Division serves as Executive Secretary of the Indiana Supreme Court Committee on Rules of Practice and Procedure and assists the Committee and the Supreme Court in drafting and promulgating amendments to the Indiana Rules of Court.

The most prominent rule amendments adopted by the Court in 2004 dealt with a reworking of the Rules of Professional Conduct for Attorneys. The amendments adopted by the Court were inspired by the American Bar Association's Model Rules. Another significant change resulted from the Court's adoption of the Indiana Judicial Conference's Committee on Jury Rules recommendation to permit jurors to discuss cases among themselves before the conclusion of the case so long as judgment was reserved until the case was finally

submitted. In addition, rule amendments were adopted dealing with confidential information in court records, standardization of local trial rules, and procedures for continuing legal education through distance learning and in-house courses.

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#### **6) Judicial Qualifications / Nominating Commission**

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Pursuant to IC 33-2.1-7-3(a)(4), the Division provides legal and administrative staff support to the Indiana Commission on Judicial Qualifications and the Indiana Judicial Nominating Commission. The Qualifications Commission investigates and prosecutes allegations of ethical misconduct by Indiana judges, judicial officers, and candidates for judicial office. Expert legal staff is available to advise judges and others about the Code of Judicial Conduct, and the Commission periodically issues formal advisory opinions about judicial ethics. The Nominating Commission selects the Chief Justice of Indiana from among the five Justices, and it solicits and interviews candidates for vacancies on the Indiana Supreme Court, the Indiana Court of Appeals, and the Indiana Tax Court. The Nominating Commission also certifies former judges as Senior Judges.

During fiscal year 2004-2005, the Nominating Commission convened for five meetings. It certified twelve new Senior Judges and re-certified eighty-five Senior Judges.

The Qualifications Commission convened for five meetings in fiscal year 2004-2005. Of the 404

complaints on the Commission's docket, 264 were dismissed without Commission inquiry. Commission counsel conducted preliminary inquiries into 100 and, in 6, the Commission sent the judges advisory letters. Forty complaints were investigated or resulted in formal charges, or continued in investigation or on charges from the prior year. Six were dismissed after the Commission concluded that no misconduct occurred and, in 22 cases, the Commission issued private cautions. Three complaints were resolved when the judge agreed to resign rather than face charges. One charged case, filed and tried the previous year, was resolved when the Supreme Court removed the judge from office. Another complaint filed the previous year proceeded to trial during the fiscal year, and was pending at the end of the year on the Commission's recommendation of removal.

The Commission filed charges against two judges during the fiscal year. One was dismissed upon the judge's resignation from office and the other was scheduled for a July 2005 hearing. The Commission issued one Public Admonition. Two investigations were pending at the end of the year. Finally, Commission counsel responded to approximately 500 requests for advice from judges and judicial candidates.

A more detailed report about the Commission, its members and activities is published in the Indiana Supreme Court Annual Report, and may be found at [www.IN.gov/judiciary](http://www.IN.gov/judiciary).

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## 7) Senior Judge Program

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Since 1989, Indiana has been able to tap into an experienced pool of former judges to help alleviate the pressure of increasing caseloads. Small at first, the Indiana senior judge program has grown into a valuable resource of seasoned judicial officers who serve at low cost to the state and no cost to the counties.

Enabling legislation provides that a former judge may apply to the Indiana Judicial Nominating Commission for certification as a senior judge under rules adopted by the Indiana Supreme Court. The legislation further provides that any trial court, the Indiana Court of Appeals, and the Indiana Tax Court may request that the Indiana Supreme Court appoint a senior judge to assist that court.

Pursuant to statute, senior judges who serve thirty (30) or more days per year may be considered state employees for purposes of health insurance benefits. This incentive makes senior judge service attractive to many former judges. In addition to the \$50 per diem, senior judges who serve more than 30 days per year are eligible for higher per diem compensation if funding is available. They are also reimbursed for mileage and certain reasonable expenses.

In 2004, Indiana had 96 certified senior judges who served a total of 4,093 days. These days are equivalent to approximately 17 full-time judicial officers.

In 2003, the Indiana Supreme Court developed a comprehensive set of standards for the certification, service, appointment and payment of senior judges. The new standards enable the Supreme Court to allocate senior judge time to courts with the heaviest caseloads while still allowing all courts to have sufficient senior judge help (minimum of 10 days per year) to relieve trial judges during necessary absences from the bench.

The Division administers the senior judge program. This entails processing of certification applications and orders of certification, requests for appointments, weighted caseload comparisons, orders of appointment, administration of benefits, and processing of claims for payment of per diem expenses.

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### **8) Appellate Court Automation and Technical Services**

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The Technical Services Section of the Division provides daily computer operations support to all appellate level courts and their adjunct agencies. Justices, judges, and staff now have available secure, remote access when traveling or at home. Also available are enhanced connections with other state agencies including the State Budget Agency, the State Auditor's Office, the Department of Personnel, and the Department of Administration.

The Section continued to refurbish and reload used computer equipment for use in the trial courts. After restoring the software on systems to their original

configuration, the equipment is given to JTAC for distribution to trial courts and clerks.

As more research sites have become available on the Internet, it has become necessary to upgrade access to the Internet. The digital T1 line used to access the Internet for the past several years was replaced with a fiber optic connection. In order to take advantage of the higher speed Internet connection, the circuit that connects the two buildings of the appellate level judiciary was also upgraded from a T1 line to a fiber optic connection.

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### **9) Indiana Conference for Legal Education Opportunity (CLEO)**

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The Indiana Conference for Legal Education Opportunity (Indiana CLEO) program emerged as a vision of the Chief Justice to help change the landscape of the Indiana legal and professional community to reflect the diversity for which Indiana is known. When the legislation for the Indiana CLEO program was passed in May 1997, Indiana became a leader in taking an active step to diversify its legal and professional communities. The Division administers the program pursuant to statutory authority. Seven years, 126 Indiana law school graduates and 74 new Indiana CLEO Fellow attorneys later, Indiana CLEO continues to carry on the vision of Chief Justice Shepard to increase the number of attorneys in Indiana who come from minority, low-income and educationally disadvantaged backgrounds.

The six-week Summer Institute continues to remain the cornerstone and starting point of the Indiana CLEO program. The Summer Institute is structured to prepare the selected student participants for the rigors of law school education by providing concentrated classroom instruction and practical legal applications. Additionally, the structure allows all Summer Institute participants an opportunity to begin to create a network base with Indiana legal professionals and law students to assist them once law school begins in the fall.

Indiana CLEO continues to invest in many of the programs that have helped past Indiana CLEO Fellows succeed in academics, acquire legal training and pass the Indiana bar exam. Specifically, Indiana CLEO continues to sponsor academic support programs and workshops for Indiana CLEO Fellows throughout the academic year, participate with the Indiana State Bar Association's Committee for Racial Diversity in the Legal Profession in the joint summer employment program, known as Gateway to Diversity Summer Employment program and most importantly collaborate with the Indianapolis Bar Association for administration of a supplemental bar review program known as Preparing Accomplished Students for Success on the Indiana Bar Exam (PASS).

During 2004, Indiana CLEO increased its efforts to strengthen ties with Indiana CLEO Fellow alumni members in the state of Indiana and beyond. During the fall of 2004, the Indiana CLEO Corner

Newsletter was introduced as a means to keep Indiana CLEO Fellow alumni and supporters of the Indiana CLEO program informed about the activities and achievements of the Indiana CLEO program. Additionally, during the fall of 2004, Indiana CLEO sponsored back to school picnics at each of Indiana's four law schools to reunite and acquaint current law students with alumni of each school. These picnics helped bridge the gap between current and former law students and sparked the beginning of meaningful mentoring and networking relationships.

Indiana CLEO Fellow graduates have gone on to work as deputy prosecutors, public defenders, deputy attorney generals, private practice attorneys, solo practitioners, corporate counsel, executive directors, judicial law clerks, JAG officers, law school admission directors, and human resource directors, among other positions, while carrying on the legacy of the Indiana CLEO program. In fact, in 2004, Ayoade O. Adewopo, an associate with the Indianapolis firm of Ice Miller and a 1999 Indiana CLEO Fellow and 2002 graduate of Indiana University School of Law – Indianapolis, became the first Indiana CLEO Fellow to successfully pass the Solicitors bar exam for England and Wales – in addition to his professional license in the State of Indiana. Indiana CLEO looks forward to continuing to change the landscape of the Indiana legal and professional community by continuing to select, education and

nurture Indiana CLEO Fellows for years to come.

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#### **10) Civil Legal Aid Fund**

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Since 1997, the Division has administered the distribution of an annual appropriation from the Indiana General Assembly of \$1 million to aid qualified organizations providing legal assistance to indigent persons in civil cases. In 2004, the Division made distributions to ten organizations providing civil legal aid services to Indiana's poor. Distributions are based upon an analysis of each county's civil caseload, as it relates to the civil caseload for the entire state, and the number of organizations serving each county.

The Division staff structured and instituted a data collection system whereby service providers collect and report their caseloads in a uniform manner. The vast majority of these cases continue to involve domestic relations matters such as divorce, separation, custody, visitation, paternity, termination of parental rights, and spousal abuse.

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#### **11) Court Improvement Grant**

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The Indiana Supreme Court, through its Court Improvement Executive Committee and with the benefit of federal funds, continued its Court Improvement Program. The focus of the grant is to improve the system for abused and neglected children in foster care. The Division serves as the fiscal administrator, with assistance from the Indiana Judicial Center in program administration.

Although the purpose and overall framework of the project are set by the U.S. Department of Health and Human Services and the American Bar Association's Center on Children and the Law, the Supreme Court and the members of the Executive Committee have guided the direction of the Indiana program. During the initial phase of this multi-phased project, the Executive Committee identified several areas of particular concern, including placing CHINS cases on a fast track, court technology, education and training, family court, pre-hearing facilitation, and service coordination and delivery. In the second phase, eighteen county level programs aimed at expediting CHINS cases were implemented. During the third phase, efforts were focused on larger, more comprehensive improvements in the delivery of services to children in the more populous counties of Allen, Lake, Marion, Elkhart and St. Joseph. In the fourth phase, funding was provided to assist in the design of two Family Court Pilot Projects. The projects, located in Putnam and Porter counties, use mediation or facilitation services in family court cases with CHINS involvement.

In 2002, a fifth phase funded eight counties that replicated the successful programs developed in the large counties during phase three. These include pre-hearing facilitation in CHINS cases, case manager services, and family court projects. These projects continued into early 2003, with several obtaining grant extensions through 2003 and into 2004. The Executive

Committee also authorized \$50,000 per year for technology that would track cases involving neglected and abused children.

In 2004, the executive committee agreed to provide \$60,000 per year for two years to the Indiana Supreme Court Family Court Pilot Project, which has expanded into seventeen counties. CHINS facilitation projects and service referral centers also received continued funding. A new grant was provided to Marion county, the state's largest county, to compensate a part-time judicial officer to hear the backlog of termination of parental rights cases.

The Indiana Supreme Court anticipates that the innovative programs developed through this grant will markedly improve the delivery of services to Indiana's children.

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## 12) Information Management

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The Information Management Section assists trial court clerks and judges with application of Administrative Rules 6 through 14, and Trial Rule 77. The Administrative Rules set standards for records creation, maintenance, access, and disposal. Trial Rule 77 sets standards for case files, indexes, chronological case summaries (CCS), and records of judgments and orders (RJO).

In 2004, the Section staff made 41 visits to 22 different counties to review microfilming programs for compliance with Administrative Rule 6, application of court retention schedules, and the use of optical imaging for judicial records. Staff

continued working with Vigo County on their image recording process. Additionally, staff researched and rewrote former Administrative Rules 6 and 13 regarding microfilming and imaging standards, which the Supreme Court approved effective January 1, 2005. Staff examined and evaluated a number of software and hardware solutions offered to trial courts for compliance with Trial Rule 77(j) as detailed in Administrative Rule 13.

Section staff also responded to the needs and questions of the trial judges and clerks. The staff made presentations to the Association of Clerks of Circuit Courts of Indiana regional and annual meetings and to city and town judges.

The Supreme Court's Records Management Committee, which the Section staffs, met May 21, 2004 and November 5, 2004. Staff provided support for the Records Management Committee subcommittees as well as attending their meetings. In addition, staff worked with the Privacy and Public Access Task Force in researching and writing reference materials for implementing Administrative Rule 9 on the confidentiality of court records.

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## 13) Privacy and Public Access

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In late 2002, the Indiana Supreme Court recognized that advancing technology, and especially initiatives related to the Internet, presented new challenges and opportunities for access to court records. The Court also recognized that the changing methods of access

could be problematic as information that was previously accessible only from a particular courthouse could now be made available to anyone in the world who had access to the Internet. The Court placed responsibility for examining this situation with Justice Brent Dickson, who in turn convened a thirty-member task force to analyze and revise Administrative Rule 9.

Justice Dickson and the Public Access Task Force focused on Administrative Rule 9 for revision because it already contained some confidentiality and public access provisions, although it was not comprehensive. As the Task Force began its work, it became obvious that confidentiality restrictions on information from court records could be found throughout federal law, state law, and even other court rules. This fragmentation resulted in public access and confidentiality issues being difficult to understand and also resulted in differences in access throughout the state.

The Indiana public access statutes encompass all public records, including court records. However, the statutes also provide that the Supreme Court may, by rule, designate particular court records as confidential. In addition to the specific statutory authorization, the Task Force relied upon the Court's inherent constitutional authority and duties to craft a policy that covers not only case records but also administrative records of the judicial branch of government.

The Task Force began its work by using a model public access

policy developed by the Conference of Chief Justices and the Conference of State Court Administrators. The framework provided by the model policy guided the task force as it began a nine-month process of regular bi-weekly meetings. During these meetings, the task force members modified and customized the sixty-page model policy to make it practical for Indiana practice.

The resulting Administrative Rule 9 proposal, which was adopted by the Indiana Supreme Court and which took effect on January 1, 2005, consists of ten sections starting with an assumption that all court records are publicly accessible unless otherwise excluded from public access by the rule or by a particular court action. In addition, the new Administrative Rule 9 pulls together confidentiality provisions from other sources so that it can serve as a comprehensive source for judges, clerks, attorneys, and the general public who seek to access records of courts throughout Indiana.

In an effort to make the implementation of Administrative Rule 9 more smooth and uniform throughout the state, the Division prepared a handbook for citizens, clerks, and judges which was published both on the Internet on the Division's homepage and also in hardcopy. Additionally, the Division staff provided numerous training opportunities to interested parties including teleconference training seminars and more than twenty in-person presentations and seminars designed to improve understanding of the new rules. The Division

continues to update the handbook with Frequently Asked Questions, and to address Administrative Rule 9 questions as they arise.

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#### **14) Protection Order Proceedings**

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The Indiana protection order statutes charge the Division with the responsibility of designing and updating the forms used in protection order proceedings. To fulfill this duty, the Division has been working closely with the members of the Protection Order Committee of the Judicial Conference of Indiana.

In 2000, in response to a rising crescendo of complaints, concerns, and questions regarding the protection order process in Indiana, the Supreme Court of Indiana established the Protection Order Committee through the Judicial Conference of Indiana to explore ways to improve the protection order process. Trial court judges, magistrates, and clerks of the circuit courts comprise the membership of the committee, and the Indiana Judicial Center and Division provide staffing support for the committee. The Honorable John Forcum, Judge of the Blackford Superior Court, chaired the committee from its inception in 2000 until October 2004, when the Honorable Thomas Busch, Judge of the Tippecanoe Superior Court 2, became the Chair. The committee also has the assistance of Senior Judge Ruth Reichard, a nationally known expert in this very complex area of the law.

The committee has developed a comprehensive set of forms that fall into three main categories: (1)

protective orders, (2) no-contact orders, and (3) workplace violence restraining orders. In 2004, the committee modified several of the existing forms and developed a few new forms as well. All the forms are located on a web site that is maintained by the Division (listed on p. vii).

During 2004, members of the committee directed their efforts in three main directions: (1) developing and distributing a deskbook on protection order procedures for clerks, magistrates, judges, and other interested persons; (2) working with the Indiana State Police to improve the operation of the statewide registry; and (3) designing and modifying forms.

The committee ended the year with the development and distribution of a survey that will help the committee develop a comprehensive list of best practices. The Protection Order Committee will use the responses to this survey to supplement the deskbook with a collection of best practices and develop an educational program to improve the administration of the protection order process. The committee will also use the survey to determine whether the protection order forms should be revised and whether additional legislation should be recommended.

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#### **15) Accounts Management, Payroll and Claims, Judicial Benefits Coordination**

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The Division maintains and administers 12 accounts, totaling approximately \$80,000,000. The

administration of payroll and benefit programs for all state trial court judges, prosecuting attorneys, and other judicial officials paid with state funds is part of this fiscal responsibility. The annual payroll account for this purpose is approximately \$59,000,000 and covers approximately seven hundred individuals. Also, as part of this “paymaster” function, the Division processes and pays in excess of 1,000 claims per year for special and senior judge service.

During 2004, the Division continued its efforts to inform its constituents about the payroll and benefit process, and to assist individuals navigating the open enrollment program for benefits.

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#### **16) Indiana Office of GAL/CASA**

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In 1989, the Indiana General Assembly established an office of Guardian *Ad Litem* and Court Appointed Special Advocate (GAL/CASA) services to be administered through the Division. Through this program, counties are encouraged to provide appropriate GAL/CASA services in exchange for matching state funding administered by the Division and disbursed pursuant to a statutory formula. In addition, the State Office of GAL/CASA (“State Office”) provides training and support services for local GAL/CASA programs. The Indiana Supreme Court Advisory Commission on GAL/CASA (“Advisory Commission”), which includes program directors and judges appointed by the Indiana Supreme Court, provides guidance to the State Office. In state fiscal

year 2004, seventy-four counties applied for and received state GAL/CASA funds. Sixty-one counties in Indiana funded a volunteer based GAL/CASA program, staffed by 136 paid personnel and six volunteer staff members. GAL/CASA volunteers statewide donated an estimated total of 349,716 hours in 2004. If GAL/CASA volunteers had been paid the rate of \$50.00 per hour (the rate commonly paid to non-volunteer appointed GAL), the volunteers contributed an estimated sum of \$17.5 million to the State of Indiana in 2004.

The latest reports indicate that Indiana had at least 2,025 active GAL/CASA volunteers statewide in 2004, including 571 newly trained volunteers. GAL/CASA volunteers advocated for 15,669 children involving 14,107 cases in 2004.\* Even so, there were over 400 children still waiting for a GAL/CASA volunteer to be appointed to their cases at the end of 2004.

Since 1998, the State Office has received an annual grant from the National CASA Association for the position of a program coordinator to assist the State Director in managing the state office and supporting the local GAL/CASA programs across the State. On September 24, 2004, the State Office held its annual meeting for GAL/CASA directors and staff. On September 25, 2004, the State Office sponsored the Eighth Annual Indiana State GAL/CASA Conference. Over 400 GAL/CASA volunteers, local program directors,

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\* Data as reported by the GAL/CASA program.

service providers, board members, child welfare personnel, and local program staff attended the annual CASA conference. The focus of the 2004 conference, entitled “You Make a Difference,” was educational advocacy and the role the GAL/CASA can play in improving educational outcomes for foster youth.

The State Office also held a two-day directors’ retreat in 2004, which focused on cultural diversity, fundraising, and grant writing. The State Office conducted numerous other training sessions for GAL/CASA program directors, staff, and volunteers, who also attended volunteer recognition ceremonies. The State Office has a toll free hotline number and answers 12-15 calls per day. Through the hotline, e-mail, and a GAL/CASA listserv for directors, the State Office provides technical assistance to multiple GAL/CASA programs across the State of Indiana and addresses inquiries from the public.

In 2002, the State Office and the Advisory Commission decided to support and participate in the National CASA Association’s quality assurance initiative. Through this initiative, each GAL/CASA program is undergoing a self-assessment process in which the programs answer questions and provide documentation that they are in compliance with national standards. The self-assessment process is being rolled out in four waves beginning in July of 2003 through June 2005, with one wave every six months. The State Office played an

active role in assisting local programs in each wave of the self-assessment by holding meetings for each wave and providing sample documents and extensive technical assistance.

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## 17) Family Courts Project

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The Indiana Family Court Project has grown since 1999 when three pilot counties were selected by the Indiana Supreme Court to create model programs. The goal of the Family Court Project is to develop case management and other programs to better serve families and children in the court system. There is a particular emphasis on avoiding inconsistent orders and information gaps for families who have multiple cases pending before different judges.

To date, three phases of family court grants have been distributed to 17 counties. All of these counties continue to be actively involved in the statewide Family Court Project. They participate in annual meetings and submit regular data reports, project descriptions, and sample forms and orders.

Phase III of the Family Court Project, beginning in 2004, brought some exciting innovations. The family court projects began utilizing the new Alternative Dispute Resolution (“ADR”) Plan legislation from Indiana Code 33-23-6-1 to collect an additional \$20 ADR Fund filing fee in all divorce and paternity cases. These funds provide mediation services to low-income families. Affordable mediation significantly aids courts with the

rising number of *pro se* litigants, and provides a more “problem solving,” non-adversarial setting for family members to resolve disputes. To further promote mediation services for low-income families, in 2005 the Supreme Court is sponsoring a 40-hour domestic relations mediation training free for attorneys who agree to donate *pro bono* mediation services.

One of the most interesting new mediation projects utilizing the ADR Plan legislation is the Four-County Family Court Project in Bartholomew, Brown, Jackson, and Lawrence Counties. This project utilizes a “traveling” team to provide mediation and project administration to low-income families in divorce and paternity cases. The mediator conducts a “mass intake” once a month for parties who have been court ordered to mediation. After advising all the parties in a large group session about the purpose and process of mediation, the mediator conducts an individual session with the parties in each case. The mediator helps the parties determine whether they need to set the case for a formal mediation in two weeks, or whether they are in agreement on all issues and simply need assistance with document preparation. When the parties are *pro se*, the mediator facilitates preparation of child support worksheets and written agreements. The mediator also aids the parties in filing the appropriate documents with the court to expedite disposition.

It is anticipated that Phase IV of the Family Court Project will begin in

2006 with applications for new counties to be distributed in the fall of 2005.

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### 18) Public Defender Commission

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The Division is responsible for providing staff support to the Indiana Public Defender Commission. The Commission sets standards for indigent defense services in non-capital cases and recommends standards to the Indiana Supreme Court for application in capital cases. It is comprised of 11 members: 3 members appointed by the Governor; 3 members appointed by the Chief Justice; 1 member appointed by the Indiana Criminal Justice Institute; 2 members of the House of Representatives appointed by the Speaker of the House; and 2 members of the Senate appointed by the President *pro tempore* of the Senate. In capital cases, counties receive reimbursements of 50% of eligible expenses. In other criminal cases, counties that meet certain standards and qualify receive 40% reimbursement of indigent criminal defense costs. The intent of the Legislature and the Court is to encourage counties to provide qualified indigent defense in criminal cases.

In 2004, appropriations to the Public Defense Fund, which is non-reverting, totaled \$8 million. As of the time of this report, 53 counties have comprehensive plans approved by the Commission for delivery of indigent services. Over 60% of the state’s population resides in counties eligible to receive reimbursements in non-capital cases under the program.

The entire Commission meets periodically and reviews claims submitted by counties for eligibility and compliance with statewide standards. In fiscal year 2003-2004, the Commission dispersed \$6,029,926.16 for non-capital cases and \$478,221.29 for capital cases. Additionally, \$107,755.12 and \$2,238,318 were approved for the fourth quarter of the fiscal year for capital and non-capital cases respectively. These disbursements were paid in the 2004-2005 fiscal year.

Also, in 2004 the Executive Director, pursuant to Criminal Rule (C)(1), adjusted the hourly rate paid in death penalty cases from \$93 to \$96 per hour. The adjusted hourly rate became effective January 1, 2005. Criminal Rule 24 provides for adjustment of the hourly rate every two years.

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### **19) Sharing Information Through the Internet and Traditional Publications**

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The Division publishes a newsletter, *The Indiana Court Times*, which serves as a communication link with the trial courts, their staff, the clerks of court, and all other entities involved in the courts' work. The Division's JTAC staff also maintains the Indiana Supreme Court website for the appellate level courts and their adjunct offices. Court opinions, Rules of Court, rule amendments, downloadable forms, summary statistical reports, a self help center, Indiana CLEO applications, and advisory opinions issued by the Indiana Commission

on Judicial Qualifications, are available on the website.

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### **20) Indiana Supreme Court Commission on Race and Gender Fairness**

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Dedicated to the principle that all persons having contact with the Indiana justice system should be treated fairly, the Supreme Court, through an administrative rule, created the Commission on Race and Gender Fairness in 1999 to examine issues involving gender and race in Indiana courts. The Commission is comprised of representatives of Indiana's judiciary, the practicing bar, state and local governments, and public organizations. Former Indiana Supreme Court Justice Myra Selby and Indiana Court of Appeals Judge Ezra Friedlander co-chair the Commission.

Initially, funding for the Commission's work came directly from the Supreme Court's budget. At the request of the Chief Justice, the Indiana General Assembly has twice appropriated distinct biennial budgets for the work of the Commission.

After three years of study and research, the Commission submitted its Executive Report and Recommendations to the Indiana Supreme Court on January 2, 2003. In this report, the Commission makes recommendations in five specific areas: Makeup of the Profession, Language and Cultural Barriers, Criminal and Juvenile Justice, Civil, Domestic and Family Law, and Employment. After careful

consideration, the Supreme Court approved the majority of the recommendations on November 26, 2003, and further requested the Commission to set priorities for implementing the recommendations. The Supreme Court has already implemented the Commission's first recommendation – establishment of a foreign language certified court interpreter program in Indiana.

As of the date of this report, the Commission has prioritized the remaining recommendations and continues work on implementing these recommendations. In particular, during 2004, the Commission partnered with the Women in Law Section of the Indiana State Bar Association and the Women in Law Division of the Indianapolis Bar Association to formulate a more detailed study examining perceptions and practices within the legal profession with respect to gender issues. Utilizing a sample from the 2004 Roll of Attorneys, the study was mailed to a random sample of 2,000 attorneys, both male and female. Of this sample, 940 surveys were completed. The Indiana University Public Opinion Laboratory is compiling those results and will present a detailed report in 2005.

The Commission also has been making preparations to host a Diversity Summit in October 2005 at the Madame Walker Theatre and Indiana University – Indianapolis Law School. The Diversity Summit will bring together representatives of the judiciary, law schools, bar associations, law enforcement,

corrections, and other public organizations to discuss pertinent issues affecting race and gender in the legal system today.

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## 21) Certified Court Interpreter Program

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As a part of the study of language and cultural barriers by the Indiana Supreme Court Commission on Race and Gender Fairness, the Commission made an interim recommendation to the Indiana Supreme Court to institute a certified court interpreter system for Indiana. In response, the Supreme Court authorized the Executive Director of the Division to join with the National Center for State Courts and to implement an Indiana court interpreter testing system. Indiana's Court Interpreter Certification Program was officially launched in January 2003.

The Commission convened an Advisory Board to assist the Court in producing a code of ethics for interpreters and setting specific certification standards for interpreters. The Advisory Board developed a Code of Ethics for Court Interpreters, with disciplinary rules that will be introduced to the Court by the Commission by the end of 2005.

The Court adopted a four-part process for foreign language interpreter certification. The process starts with a two-day orientation. Participants are instructed on judicial procedure, protocol and courtroom decorum, roles of the interpreter, ethical issues, terminology, and skills and modes of interpreting. Indiana-

specific laws and rules are presented in detail. Participants also may practice interpreting skills and receive feedback from presenters. The second phase is a written Spanish proficiency examination. The written exam tests participants on general English language vocabulary, court-related terms and usage, and court interpreter ethics and professional conduct. Only participants who pass the written exam with an aggregate score of at least 70 percent on all three parts are permitted to register for the two-day skills-building session, the third phase of the certification process. The final phase of the certification procedure is the oral foreign language proficiency examination. The oral exam is approximately one hour in length and covers various interpreting scenarios – consecutive, simultaneous, and sight interpreting. Participants who obtain a score of at least 70 percent on all three sections will be certified by the Indiana Supreme Court as Foreign Language Interpreters.

To date, Indiana has only tested in the Spanish language. The first class of the program began the certification process in October 2003 and completed all phases of the program in March 2004. Of the thirty-one students who began that first class, two participants passed all phases of the program. The second class began in May 2004 and completed all phases of the program in September 2004. Three out of twenty-four participants passed all phases of the program. A swearing in ceremony took place in March 2005 to honor the individuals from

the first and second classes who passed the certification process.

The third class began the process in November 2004. Successful applicants took their oral exams in March 2005. A fourth class began in May 2005 with oral exams to be completed in September 2005.

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## **22) Judicial District Business Meetings**

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During early 2005, in conjunction with the Indiana Judicial Center, the Division helped sponsor the biannual judicial district business meetings for Judicial Districts 4, 7, 8, 9, 10, 12, and 14. Meetings were held in Indianapolis, Lafayette, Richmond, Bloomington, and Clarksville with a total of 150 judicial officers attending. Judges received updates on Administrative Rule 9 and Alternative Dispute Resolution. These meetings provide a congenial forum for professional discussions of common issues.

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## **23) Local Rules Project**

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The Indiana Supreme Court, at the request of its Committee on Rules of Practice and Procedure, convened a special committee to examine local court rules. The Committee's ultimate goal is to insure that local rules are readily available to practitioners, litigants, and the public, and to bring uniformity to the local rule amendment process.

After compiling and reviewing existing local court rules, the Committee proposed, and published for public comment, an amendment to Trial Rule 81. The amended rule

charged the Division with certain duties regarding the promulgation of local court rules. One duty was to establish and publish a uniform annual schedule for the adoption of, and amendments to, local rules. A second duty was to create a standard format for drafting, amending, and numbering local rules. On March 4, 2005, the Division fulfilled these duties and filed an Amended Schedule and Format for Adoption of Local Court Rules.

Effective January 1, 2007, all courts of record in a county must apply the same local rules. All local court rules, and any proposed amendments, will be posted on the Indiana Judicial Website for public inspection and comment. That site is located at [www.in.gov/judiciary](http://www.in.gov/judiciary).

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#### **24) Indiana Project on Self-Represented Litigants**

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The Indiana Supreme Court created this Advisory Committee in 2000 in response to the growing national phenomenon of people choosing to represent themselves without lawyers. The Supreme Court asked the *Pro Se* Advisory Committee to make recommendations to the Supreme Court on the issues of *pro se* litigation; to develop a comprehensive strategy for future *pro se* efforts; and to help trial courts respond to the growing numbers of self-represented litigants. The Advisory Committee consists of judges, community members, and other service providers.

The *Pro Se* Advisory Committee continues to update the Self-Service

web site with valuable information for the self-represented litigant. The site provides pleading forms for certain simple proceedings. The Advisory Committee is also exploring ways to encourage unbundled legal services that would enable litigants to retain lawyers only for limited parts of a particular case.